

REMARKS

Claims 2-5 and 8-23 are currently pending, claims 4 and 9 having been amended and claims 13-23 having been added by the present amendment.

Allowable Subject Matter

The Examiner is thanked for indicating that claims 2, 3, 8, 11 and 12 contain allowable subject matter. However, applicants maintain the patentability of the base claims from which claims 2, 3, 8, 11 and 12 depend. Accordingly, these claims have not been placed in independent format at this time.

§ 103 Rejection

Claims 4, 5, 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bewick-Sonntag (USSN 6,417,424). Applicants respectfully traverse this rejection.

As amended, claim 4 recites that the non-acidic compound selected from acid anhydrides, cyclic lactides, butyrolactone, valerolactone, glucuronolactone, and starch acetate.

And, as amended, claim 9 recites that the non-acidic compound selected from acid anhydrides, cyclic lactides, and lactones.

The Examiner has relied upon Bewick-Sonntag to allegedly teach an article comprising a superabsorbent material and a carrier. The carrier is allegedly cellulose acetate. As amended, cellulose acetate is not recited as one of the non-acidic compounds.

Accordingly, Bewick-Sonntag does not teach or suggest any of the claimed non-acidic compounds. In fact, Bewick-Sonntag teaches the cellulose acetate is simply added as a carrier, and *not* for an odor control purposes. The carrier is disclosed to simply be used to carry superabsorbent material or to be used alone as a fluid storage layer. See Column 7, line 64 to Column 8, line 32. Accordingly, one skilled in the art would not have been motivated by the disclosure of cellulose acetate to arrive at the presently claimed non-acidic compounds.

Accordingly, Bewick-Sonntag clearly does not teach or suggest the presently claimed invention.

New Claims

New claims 13 and 15 mirror previous claims 4 and 9. Claim 13 and 15 include in the list of non-acidic compound cellulose acetate (claim 13) / hydrolysable esters (claim 15).

Claims 13 and 15 are patentable over the cited art.

The Examiner has relied upon Bewick-Sonntag to allegedly teach an article comprising a superabsorbent material and a carrier. The carrier is allegedly cellulose acetate.

However, Bewick-Sonntag does not teach or suggest that the cellulose acetate is present in an amount of 1-20 wt.% with respect to the weight of the superabsorbent material

The Examiner relies on Examples 2 and 3 (in Columns 15 and 16) of Bewick-Sonntag to assert that Bewick-Sonntag discloses "a carrier having a basis weight and thickness that is small relative to the superabsorbent material." The Examiner concludes that "the absorbent structure of Bewick-Sonntag comprises a small amount of cellulose acetate relative to the superabsorbent material."

Example 2 teaches three components: 1) airlayed tissue, 2) AGM, and 3) zeolite. Example 3 teaches four components: 1) airlayed tissue, 2) AGM, 3) zeolite, and 4) activated charcoal. The airlayed tissue has *two* layers of tissues *each* at 55 g/m² basis weight. The AGM is at a basis weight of 79 g/m² (Example 2) and 67 g/m² (Example 3). Thus, the weight ratios (carrier:superabsorbent) are 110:79 and 110:67. Thus, Bewick-Sonntag teaches that the carrier is present in an amount of 140-164% with respect to the weight of the superabsorbent material. This is a significantly different teaching than the presently claimed invention that the non-acidic compound is present in an amount of 1-20% with respect to the weight of the superabsorbent material.

Accordingly, it would not have been obvious for one skilled in the art to arrive at the presently claimed invention.

Further, the Examiner has not established a *prima facie* case of obviousness and bears the burden of going forward with the production of evidence. See MPEP § 2142. The Examiner has not established a *prima facie* case of obviousness because the Examiner has not met all three basic criteria. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Examiner has not established the first criteria

("First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings."). Bewick-Sonntag does not teach the desire to have a small amount of the non-acidic compound relative to the amount of superabsorbent. Bewick-Sonntag teaches the opposite -- Bewick-Sonntag teaches more carrier (alleged non-acidic compound) than superabsorbent material.

Accordingly, claims 13 and 15 are patentable over the cited art.

Support for new claims 14 and 16 may be found in claims 5 and 10. Claims 14 and 16 depend from claims 13 and 15 and are patentable for at least the reasons claims 13 and 15 are patentable.

Support for new claims 17-23 may be found throughout the specification and at least at paragraph [0006]. Claims 17-23 are patentable for at least the reasons the claims from which they depend are patentable.

Conclusion

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application or should the Office feel that a teleconference with the undersigned would be helpful in resolving any issues pertaining to this application, it is requested that the undersigned be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: May 4, 2007

By:



Travis D. Boone

Registration No. 52,635

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620